

REMARKS

By this amendment, claims 1, 2, 6, 9, 15, 16, and 17 are amended to place this application in condition for allowance. Currently, claims 1-21 are before the Examiner for consideration on their merits.

In the Office Action, the Examiner rejects claims 1, 2, 4-7, 9-17, and 21 under 35 U.S.C. § 103(a) based on the combination of WO 97/22092 to Wolf when modified by United States Patent No. 6,140,936. In the rejection, the Examiner alleges that Wolf teaches the invention except for carrying the second device in a manner to be accessed if a user is incapacitated. The Examiner relies on Armstrong to allege that it is known to carry an electronic device carrying medical information as a jewelry item, and that it would be obvious to use such as the user's card in Wolf.

Claims 3 and 8 are rejected based on the combination of Wolf and Armstrong when further modified by the teachings of United States Patent No. 4,327,512 to Oliver. Here, the Examiner admits that Armstrong does not teach carrying the smart card as a locket in a shoe or clothing. The Examiner cites Oliver to allege that such a carrying technique is known.

The rejections of the claims are traversed below under the headings of the claims.

Claim 1

Applicant contends that Wolf does not teach the combination of the two electronic devices of claim 1 and regardless of the teaching of Armstrong, the rejection is improper and should be withdrawn.

In the rejection, the Examiner cites page 16 of Wolf to support the allegation that two medical information carrying electronic devices are disclosed. While this may be true, the use of the second of the two cards in Wolf as explained on page 16 is for authentication purposes. As explained by Wolf, if the second card is determined to be a doctor's card, then the information on the first card can be read and information can e be written to the first card.

Applicant also believes that it is important to clarify the pairing of the cards of Wolf with the claimed first and second electronic devices. In claim 1, the second device is the one carried by the person and is to be used in emergency situations, with the first device used for reading and writing. In Wolf, the first card is the patient card which would be carried by the patient and corresponds to the claimed second device, with the second card being the doctor card and necessarily corresponding to the first electronic device. This is evident from page 13, lines 10-12, wherein the second smart card is described as belonging to a professional.

This is where the rejection breaks down and demonstrates that Wolf is entirely different from the invention. The aim of the invention is to have the second device contain the same medical information found on the first device and allow the second device to be freely read in the event of an emergency. The second card of Wolf, i.e., the claimed first electronic device, is a medical personnel card, not a card to be carried by the user. What Wolf is lacking is the concept that both cards are user cards, one to be used in normal medical situations, and one to be used for at least emergency situations.

In this regard, claim 1 has been revised to clarify that the first device is a user device, and the second device is freely read in at least an emergency situation. These steps are not taught in Wolf since the first patient card is not freely read, and the second card is not a user card.

Accordingly, Wolf does not teach the invention of claim 1, and the rejection must be withdrawn for this reason.

Moreover, there is no basis for the Examiner to modify Wolf and arrive at the invention without resort to the hindsight reconstruction of the prior art in light of Applicant's disclosure.

Claim 2

Claim 2 is also patentable over Wolf. In the rejection, the Examiner contends that Wolf teaches the two read/write devices, stating that the configuration allows for different access rights. It is contended that Wolf does not teach the devices of clause (c) of claim 2. The page 5 disclosure of Wolf teaches that the second card allows for updating the first card. This does not teach a system wherein one device is for writing only non-medical information with another system allowing writing of both types of information. Upon authentication, the system described on pages 5 and 6 of Wolf allow changing of medical information. Pages 9-14 of Wolf do not teach the invention of claim 2. Instead, Wolf merely describes a system that: (1) uses two smart cards; (2) has a system with the capability to read two cards, see Figure 2; (3) describes the information found on the card, see Figure 3; and (4) describes the way the cards are used, see Figure 4. In Wolf, there is just one system using the two cards, not two systems as is required in claim 2.

Lacking the features of claim 2, the rejection must be withdrawn.

Also, there is no reason that Wolf could be modified to arrive at the invention of claim 2 without resort to hindsight.

Claim 6

The rejection of claim 6 based on Wolf must also be withdrawn. Claim 6 now defines a system that uses a read/write device, a separate read only device, and the medical information-containing device and attaching means. These features are not found in Wolf, and particularly the combination of the read/write device and a separate read only device. At best, Wolf teaches a read/write system that functions based on the authentication of the second or medical personnel card. While the system may function based on the authentication step to have read only or read/write capability, it is the same system, not two separate systems with one being read only.

As with the invention of claim 1, claim 6 and the teachings of Wolf are fundamentally at odds. Claim 6 defines a system which includes a personally carried medical smart card, and device that allows for read/write capability, and a read only capability, and this combination of components is not found in Wolf, alone or with Armstrong. Thus, the rejection of claim 6 based on Wolf must be withdrawn.

Claim 7

Claim 7 requires two electronic devices with matching information about a patient, one on the patient and one on an inanimate object. In rejecting this claim, the Examiner alleges that Armstrong teaches this concept, referring to col. 7, lines 20-25 and col. 8, lines 1-5. This interpretation of the teachings of Armstrong is flawed in that at most, Armstrong teaches associating the memory card with a person, alive or deceased. The fact that some DNA can be attached to the card as described in col. 7, lines 20-25 is irrelevant to the question of whether Armstrong teaches the use of matching memory cards. The col. 8 disclosure also does not teach this concept. This disclosure merely teaches that the memory card could be used in association with a deceased person for identification purposes. There is no teaching or suggestion of the use

of two devices with matching medical information of a patient, and the rejection is flawed for this reason and must be withdrawn.

Claims 15-17

In rejecting claims 15-17, the Examiner cites pages 9 and 10 of Wolf as a basis for the rejection. These claims are revised to clarify that the reading is a contactless one as is described on page 18 of the specification. The cited disclosure of Wolf does not teach such a reading, and Wolf cannot be used to reject these claims.

Summary

It is respectfully contended that the Examiner has failed to establish a *prima facie* case of obviousness against claims 1, 2, 6, 9, 15, and 16 for the reasons above. Thus, these claims as well as their respective dependent claims are now in condition for allowance.

Accordingly, the Examiner is requested to examine this application and pass claims 1-21 onto issuance.

If the Examiner believes that an interview with the Applicant's attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at the number listed below.

The above constitutes a complete response to all issues raised in the Office Action dated March 3, 2006.

Again, reconsideration and allowance of this application is respectfully requested.

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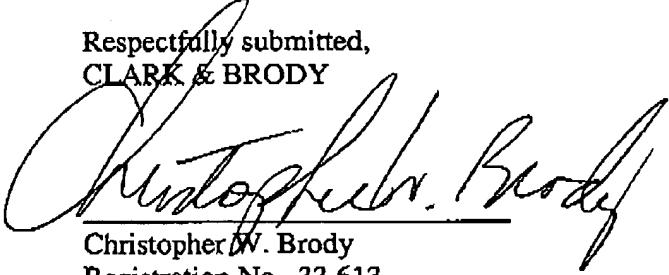
CLARK & BRODY

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A petition for a one month extension of time is made. Please charge deposit account no. 50-1088 \$60.00 to cover the cost of the fee. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 50-1088.

Respectfully submitted,
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- 12 -